

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

**EMILY SWANSON,**

)

)

**PLAINTIFF,**

)

)

**V.**

)

**CIVIL ACTION No.:** \_\_\_\_\_

)

**ADTRAN, INC. AND SKYBRIDGE**

)

**GLOBAL, INC. D/B/A SKYBRIDGE**

)

**RESOURCES,**

)

)

**DEFENDANTS.**

**COMPLAINT**

COMES NOW, Plaintiff, Emily Swanson, and files her Complaint against Defendants ADTRAN, INC. and SKYBRIDGE GLOBAL, INC. d/b/a SKYBRIDGE RESOURCES, and, in support thereof, shows as follows:

**INTRODUCTION**

Plaintiff Emily Swanson was employed by SkyBridge Global, Inc. d/b/a SkyBridge Resources (“SkyBridge”) in November 2019 as a “temporary” contractor for Adtran, Inc. (“Adtran”) working forty (40) hours a week. Plaintiff was hired as a help desk analyst and was the only temporary contractor in the department. Ms. Swanson learned she was pregnant in August 2020 and informed her supervisor at Adtran, Jared Jimison, on September 20, 2020. On January 16, 2021, Plaintiff notified SkyBridge of her pregnancy and inquired about maternity leave. She was

told by SkyBridge she was not eligible for FMLA leave, so she would not be able to receive paid time off. On February 22, 2021, Ms. Swanson was notified by SkyBridge her contract with Adtran had been terminated; therefore, SkyBridge was terminating her employment as of March 5, 2021.

### **JURISDICTION AND VENUE**

1. This action arises under the Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a), as amended by Pregnancy Discrimination Act, 42 U.S.C. § 2000e(k), and Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e – 2000e-17, the Civil Rights Act of 1991, 42 U.S.C. § 1981a, and Section 1 of the Civil Rights Act of 1866, as amended, 42 U.S.C. § 1981, and the Family and Medical Leave Act, 29 U.S.C. §§ 2611 *et seq.* (hereinafter the “FMLA”).

2. This Court maintains subject matter jurisdiction under 42 U.S.C. § 2000e-5(f), 28 U.S.C. § 1343(a)(4) and 1337.

3. Venue is proper in this Court as the unlawful employment practices alleged herein have been committed within the Northern District of Alabama.

### **PARTIES**

4. Emily Swanson (“Swanson” or “Plaintiff”) is above the age of nineteen (19) and was, at all times relevant hereto, a resident of Madison County, Alabama and a citizen of the United States of America.

5. Defendant Adtran, Inc. is an employer engaged in commerce and

otherwise meeting the definitional requirements of 42 U.S.C. § 2000e and 29 U.S.C. §§ 2611 and at all times relevant directed and supervised Plaintiff's employment.

6. Defendant SkyBridge is an employer engaged in commerce and otherwise meeting the definitional requirements of 42 U.S.C. § 2000e and 29 U.S.C. §§ 2611. Defendant SkyBridge paid the Plaintiff.

7. Defendants ADTRAN and SkyBridge jointly employed and directed the work done by the Plaintiff.

#### **FACTUAL AVERMENTS**

8. Plaintiff began working for Defendant SkyBridge working at Adtran and under Adtran's direct supervision in November 2019 as a Help Desk Analyst.

9. In or around August 2020, Plaintiff learned she was pregnant and notified her supervisor, Jared Jimison, an employee of Adtran, on September 20, 2020.

10. At the time, Plaintiff was working forty (40) hours per week and earning approximately \$21.00 per hour.

11. On or about January 16, 2021, Plaintiff asked her supervisor what she would need to do regarding obtaining maternity leave. Mr. Jimison advised her to give notice to SkyBridge.

12. As of January 16, 2021, the Plaintiff had worked for SkyBridge at Adtran for over one (1) year and had worked in excess of one thousand two hundred

fifty (1250) hours and was otherwise eligible for FMLA leave.

13. On or about January 16, 2021, Plaintiff was told by SkyBridge she was not eligible for FMLA leave and would not be able to receive paid time off for maternity leave.

14. Because Ms. Swanson was employed as a temporary contractor, she informed SkyBridge she would be taking off work in April 2021 for ten (10) weeks.

15. Plaintiff confirmed with SkyBridge again on February 15, 2021 she would be taking time off to have her baby and recover.

16. On February 22, 2021, before she could take her leave, Ms. Swanson was notified by a SkyBridge representative her contract with Adtran had been terminated; therefore, SkyBridge was terminating her employment as of March 5, 2021.

17. On March 5, 2021, Plaintiff filed a Charge of Discrimination with the United States Equal Employment Opportunity Commission (“E.E.O.C.”) alleging discrimination based on sex (pregnancy) against Adtran. A copy of this Charge is attached hereto as Exhibit A.

18. On March 5, 2021, Plaintiff filed a Charge of Discrimination with the United States Equal Employment Opportunity Commission (“E.E.O.C.”) alleging discrimination based on sex (pregnancy) against SkyBridge. A copy of this Charge is attached hereto as Exhibit B.

19. The Plaintiff received Notice of Right-to-Sue against Adtran from the E.E.O.C. dated March 28, 2022 as to her Charge of Discrimination, and this action is being instituted within ninety (90) days of receipt by Plaintiff. A copy of the Right-to-Sue is attached hereto Exhibit C.

20. The Plaintiff received Notice of Right-to-Sue against SkyBridge from the E.E.O.C. dated March 22, 2022 as to her Charge of Discrimination, and this action is being instituted within ninety (90) days of receipt by Plaintiff. A copy of the Right-to-Sue is attached hereto Exhibit D.

### **CAUSE OF ACTION**

#### **Count I**

#### **Violation of Title VII of the Civil Rights Act of 1964 as Amended by the Pregnancy Discrimination Act**

21. Plaintiff reasserts the averments set forth in Paragraphs 1 through 20 hereof, as though fully set forth herein.

22. Plaintiff has been subjected to gender discrimination and pregnancy discrimination.

23. Plaintiff avers Defendants condoned and tolerated the gender discrimination and pregnancy discrimination. Defendants' actions were in violation of Title VII of the Civil Rights Act of 1964, as amended, including, but not limited to the Pregnancy Discrimination Act.

24. Plaintiff has no plain, adequate or complete remedy at law to redress

the wrongs alleged herein and this suit for back pay, front pay, compensatory damages, punitive damages, attorney's fees, expenses, costs, and injunctive relief, and declaratory judgment is her only means of securing adequate relief. The unlawful employment practices complained of were done with malice and/or with reckless indifference to the federally protected rights of Plaintiff.

25. Plaintiff has and will continue to suffer irreparable injury from Defendants' unlawful policies and practices set forth herein unless enjoined by this Court.

26. Despite diligent efforts, Plaintiff was unable to secure comparable alternative employment for approximately one (1) year following her untimely termination.

27. Plaintiff has suffered, is now suffering, and will continue to suffer emotional distress, pain, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses as a direct result of the Defendants' violations of Title VII of the Civil Rights Act of 1964, as amended, including, but not limited to, the Pregnancy Discrimination Act.

**COUNT II**  
**Retaliation and/or Interference in Violation**  
**of the Family and Medical Leave Act**

28. Plaintiff realleges and incorporates by reference, paragraphs 1 through 20, as if fully stated herein.

29. Defendant Adtran is an employer in accordance with 29 U.S.C. § 2611.

30. Defendant SkyBridge is an employer in accordance with 29 U.S.C. § 2611.

31. Plaintiff was an eligible employee at the time of her disability in that she was a person entitled to leave pursuant to the FMLA, 29 U.S.C. § 2611 *et seq.* Plaintiff had been employed with Defendants for at least twelve (12) months and had worked more than One Thousand Two Hundred and Fifty (1250) hours in the preceding twelve months.

32. Defendants had knowledge of Plaintiff's need for medical care and leave.

33. Defendants retaliated and/or took adverse action against Plaintiff due to her need for leave in violation of the FMLA 29 CFR § 825.220 to avoid its obligation to provide intermittent leave.

34. Defendants wrongfully interfered with the Plaintiff's right to take leave or to return to work at same or an equivalent position.

35. As a result of the Defendant's actions, Plaintiff has suffered extreme harm, including but not limited to loss of employment opportunities, denial of wages, cost of medical care, compensation and other benefits and conditions of employment.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, Emily Swanson, prays that that this Court:

- a. Enter a declaratory judgment that Defendant's policies, practices and procedures complained of herein have violated and continue to violate the rights of the Plaintiff as secured by the Family and Medical Leave Act as amended and Title VII of the Civil Rights Act of 1964, as amended;
- b. Enjoin the Defendant from engaging in such conduct;
- c. Grant Plaintiff an order requiring the Defendant to make her whole by granting appropriate declaratory relief, compensatory damages (including damages for mental anguish), punitive damages, interest, attorney's fees, expenses, costs;
- d. Award Plaintiff compensatory damages for back pay, liquidated damages, interest, and costs under the provisions of the FMLA;
- e. Award Plaintiff costs and attorneys' fees; and
- f. Grant such further and other relief as it may deem just and proper.

### **JURY DEMAND**

Plaintiff demands trial by jury on all issues triable at law.



Respectfully submitted this the 20th day of June 2022.

/s/ Teri Ryder Mastando

Eric J. Artrip (ASB-9673-I68E)

Teri Ryder Mastando (ASB-4507-E53T)

MASTANDO & ARTRIP, LLC

301 Washington Street NW, Suite 302

Huntsville, Alabama 35801

Telephone: (256) 532-2222

Facsimile: (256) 513-7489

*artrip@mastandoartrip.com*

*teri@mastandoartrip.com*

**DEFENDANTS TO BE SERVED BY CERTIFIED MAIL**

Adtran, Inc.

c/o Corporation Service Company, Inc., Registered Agent

641 South Lawrence St.

Montgomery, AL 36104


SkyBridge Global, Inc.

c/o Corporation Service Company, Inc., Registered Agent

641 South Lawrence St.

Montgomery, AL 36104

EEOC Form 5 (5/01)

<b>CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented to: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
_____ and EEOC State or local Agency, if any			
Name (indicate Mr. Ms. Mrs.) <b>Ms. Emily Swanson</b>		Home Phone (Incl. Area Code) 	
Date of Birth 			
Street Address 		City, State and ZIP Code 	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>ADTRAN</b>		No. Employees, Members Approx.. 2,000+	
Phone No. (Include Area Code) (800) 923-8726			
Street Address <b>901 Explorer Boulevard</b>		City, State and ZIP Code <b>Huntsville, AL 35806</b>	
Name <b>Skybridge Resources, LLC</b>		No. Employees, Members Approx 200+	
Phone No. (Include Area Code) (813) 579-1220			
Street Address <b>1715 N. Westshore Blvd., Ste. 175</b>		City, State and ZIP Code <b>Tampa, FL 33607</b>	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 2/22/21 3/5/21 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)). <p>I began working a 6 month contract as Help Desk Analyst at ADTRAN through a temporary agency called Skybridge Resources. ADTRAN was pleased with my work, and I worked there for a year and a half. In September 2020, I told my immediate supervisor, Jared Jimison, and Human Resources at Skybridge Resources I was pregnant. I told Human Resources at Skybridge Resources I would be taking off in April 2021 for 10 weeks, without pay, when my baby arrived. On February 15, 2021, I confirmed with Skybridge Resources I would be taking time off in April 2021. On February 22, 2021, I was called by Human Resources at Skybridge Resources and was told ADTRAN had terminated my contract. I was told my last day to work for ADTRAN and Skybridge Resources was March 5, 2021.</p> <p>I believe I have been discriminated against because of my sex, female, and retaliated against due to being pregnant. I am filing this Charge of Discrimination on behalf of myself and all others similarly situated.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.  3/4/2021  Date Charging Party Signature		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EEOC Form 5 (5/01)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented to: Agency(ies) Charge No(s):

☐ FEPA  
☒ EEOC

\_\_\_\_\_ and EEOC

State or local Agency, if any

Name (indicate Mr. Ms. Mrs.)

Ms. Emily Swanson

Home Phone (Incl. Area Code)

Date of Birth

Street Address

City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

ADTRAN

No. Employees, Members  
Approx.. 2,000+Phone No. (Include Area Code)  
(800) 923-8726

Street Address

901 Explorer Boulevard

City, State and ZIP Code

Huntsville, AL 35806

Name

Skybridge Resources, LLC

No. Employees, Members  
Approx 200+Phone No. (Include Area Code)  
(813) 579-1220

Street Address

1715 N. Westshore Blvd., Ste. 175

City, State and ZIP Code

Tampa, FL 33607

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest	Latest
2/22/21	3/5/21

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)).

I began working a 6 month contract as Help Desk Analyst at ADTRAN through a temporary agency called Skybridge Resources. ADTRAN was pleased with my work, and I worked there for a year and a half. In September 2020, I told my immediate supervisor, Jared Jimison, and Human Resources at Skybridge Resources I was pregnant. I told Human Resources at Skybridge Resources I would be taking off in April 2021 for 10 weeks, without pay, when my baby arrived. On February 15, 2021, I confirmed with Skybridge Resources I would be taking time off in April 2021. On February 22, 2021, I was called by Human Resources at Skybridge Resources and was told ADTRAN had terminated my contract. I was told my last day to work for ADTRAN and Skybridge Resources was March 5, 2021.

I believe I have been discriminated against because of my sex, female, and retaliated against due to being pregnant. I am filing this Charge of Discrimination on behalf of myself and all others similarly situated.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY – When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

3/4/2021  
Date

Emily Swanson  
Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

EEOC Form 161-B (11/09)

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**NOTICE OF RIGHT TO SUE** *(ISSUED ON REQUEST)*

To: **Emily K. Swanson**

From: **Birmingham District Office  
1130 22nd Street South, Suite 2000  
Birmingham, Alabama 35205**

EEOC Charge No.

**420-2021-01321**

EEOC Representative

**TONIKO D. NOLAND,  
Investigator**

Telephone No.

*(See also the additional information enclosed with this form.)*

**NOTICE TO THE PERSON AGGRIEVED:**

**Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA):** This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

More than 180 days have passed since the filing of this charge.

The EEOC is terminating its processing of this charge.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

**MICHAEL COCHRAN**

Digitally signed by MICHAEL COCHRAN  
Date: 2022.03.28 08:20:12 -05'00'

Enclosures(s)

**Bradley A. Anderson,  
District Director**

*(Date Mailed)*

cc: **ADTRAN  
c/o Katy Willis  
BURR & FOREMAN, LLP  
11 N Water St, Suite 22200  
Mobile, AL 36602**

**Teri Ryder Mastando  
THE LAW OFFICES OF MASTANDO & ARTRIP  
301 Washington Street, Suite 302  
Huntsville, AL 35801**

## INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

### PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

### PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- *not* 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

### ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

### ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

***IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.***

EXHIBIT D

EEOC Form 161-B (11/09)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (*ISSUED ON REQUEST*)

To:	From: <b>Birmingham District Office</b> <b>1130 22nd Street South, Suite 2000</b> <b>Birmingham, Alabama 35205</b>	
EEOC Charge No. <b>420-2021-01322</b>	EEOC Representative <b>TONIKO D. NOLAND,</b> <b>Investigator</b>	Telephone No.

*(See also the additional information enclosed with this form.)*

## NOTICE TO THE PERSON AGGRIEVED:

**Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA):** This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

More than 180 days have passed since the filing of this charge.

The EEOC is terminating its processing of this charge.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

**MICHAEL COCHRAN**

Digitally signed by MICHAEL COCHRAN  
Date: 2022.03.22 12:36:21 -05'00'

Enclosures(s)

**For Bradley A. Anderson,**  
**District Director**

*(Date Mailed)*

cc: **SKYBRIDGE RESOURCES, LLC**  
**c/o Tammy Woolley**  
**CONSTANGY BROOKS SMITH & PROPHETE, LLP**  
**2 Chase Corporate Drive**  
**Birmingham, AL 35244**

**Teri Ryder Mastando**  
**THE LAW OFFICES OF MASTANDO & ARTRIP**  
**301 Washington Street, Suite 302**  
**Huntsville, AL 35801**



## INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

### PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

### PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

### ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

### ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

***IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.***